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14 *Attorneys for Defendant Sonos, Inc.*

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 GOOGLE LLC,

19 Plaintiff,

20 v.

21 SONOS, INC.,

22 Defendant.
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Case No. 3:20-cv-06754-WHA

**DECLARATION OF COLE B. RICHTER
RE TECHNICAL FAILURE PURSUANT
TO CIVIL LOCAL RULE 5-1(d)(5)**

Complaint Filed: September 28, 2020

1 I, Cole B. Richter, declare as follows and would so testify under oath if called upon to do
2 so:

3 1. I am an attorney with the law firm of Lee Sullivan Shea & Smith LLP, counsel of
4 record to Sonos, Inc. ("Sonos") in the above-captioned matter. I am a member in good standing of
5 the Bar of the State of Illinois. I have been admitted *pro hac vice* in this matter. I make this
6 declaration based on my personal knowledge, unless otherwise noted. If called, I can and will
7 testify competently to the matters set forth herein.

8 2. I attest that the document titled "Sonos, Inc.'s Unopposed Motion for Leave to File
9 an Amended Answer to Google LLC's Second Amended Complaint and Sonos, Inc.'s
10 Counterclaims" ("Motion") was not filed on March 11, 2022 solely because of a technical failure
11 with the CM/ECF system.

12 3. On March 11, 2022, at approximately 11:30 am PST, I transmitted the Motion to
13 Amy Maruska, Senior Paralegal, and provided instructions for it to be filed from my Northern
14 District of California CM/ECF account.

15 4. Ms. Maruska attempted to log into the CM/ECF system nine times between 1:15
16 pm and 9:00 pm PST, on March 11, 2022, at least two of the attempts were separated by at least
17 one hour. Each time she was unsuccessful due to the ongoing service outage.

18 5. This Court posted a notice to its website on March 11, 2022 that ongoing service
19 disruptions were reported and Ms. Maruska periodically monitored the Court's website for
20 updates to the notice.

21 I declare under penalty of perjury that the foregoing is true and correct to the best of my
22 knowledge. Executed this 14th day of March, 2022 in Chicago, Illinois.

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24 /s/ Cole B. Richter
25 COLE B. RICHTER
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